

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NORTHWEST IOWA POWER COOPERATIVE	DOCKET NO. E-21451
---	--------------------

PROPOSED DECISION AND ORDER GRANTING FRANCHISE

(Issued July 17, 2001)

APPEARANCES:

MR. MICHAEL JOYNT and MR. DENNIS PUCKETT, attorneys at law, Sullivan & Ward, P.C., 801 Grand Ave., Suite 3500, Des Moines, Iowa 50309-2719, appearing on behalf of Northwest Iowa Power Cooperative.

MS. JENNIFER EASLER, attorney at law, 310 Maple Street, Des Moines, Iowa 50319-0063, appearing on behalf of the Iowa Department of Justice, Office of Consumer Advocate.

MR. LYLE DITMARS, attorney at law, 233 Pearl Street, P.O. Box 1078, Council Bluffs, Iowa 51502-1078, appearing on behalf of Mr. Gerald and Mrs. Mary Ring.

STATEMENT OF THE CASE

On June 5, 2000, Northwest Iowa Power Cooperative (NIPCO) filed a petition, identified as Docket No. E-21451, with the Utilities Board (Board) requesting a franchise to erect, maintain, and operate approximately 9.59 miles of nominal 69 kV voltage (72.5 maximum) electric transmission line in Pottawattamie County, Iowa. In its petition, NIPCO requested the right of eminent domain.

On February 23, 2001, the Board issued an order assigning the case to an administrative law judge.

On March 26, 2001, Mr. Gerald and Mrs. Mary Ring filed an objection to the petition.

On April 23, 2001, NIPCO filed revisions to its petition that changed the proposed route. The revisions to the petition changed the route so the transmission line will go around the Ring's property. The revised petition seeks a franchise to erect, maintain, and operate approximately 10.07 miles of 69 kV nominal voltage (72.5 maximum) electric transmission line, and four sections of underbuild: 1) approximately 1.28 miles of 7,620 nominal voltage underbuild; 2) approximately 0.96 mile of 7,620 nominal voltage underbuild; 3) approximately 0.05 mile of 13,200/7,620 nominal voltage underbuild; and 4) approximately .44 mile of 7,200 nominal voltage underbuild; all in Pottawattamie County, Iowa.

On May 10, 2001, the Rings withdrew their objection. NIPCO has obtained all necessary easements and no longer seeks the right of eminent domain.

In its petition, NIPCO states that the purpose of the proposed transmission line and substation is to strengthen the electric service and enhance service reliability in the southeast corner of the service area of Harrison County Rural Electric Cooperative, a member of NIPCO, and to relieve load from NIPCO's Hardscratch Substation. NIPCO further states that the new substation will provide necessary backup for this area and will be the only backup for the east and south circuits out of the Hardscratch station. NIPCO states this portion of Harrison County REC's service area is experiencing significant electric load growth due to new residential developments, expanded farming operations, and major expansion at the Tri-Center

Community School facilities. The petition states Harrison County REC also became the supplemental power supplier for the city of Neola on April 1, 1999, and the proposed transmission line and substation will be used to provide improved electric service and reliability to the city of Neola.

FINDINGS OF FACT

1. The only objection to the petition filed in this case was withdrawn on May 10, 2001. No objections to the revised petition were filed. (objection; withdrawal of objection; file)

2. Notice of the informational meeting was given, the informational meeting was held, and notice of the revised petition was published as required by Iowa Code Chapter 478 (2001). (petition, proof of publication, proof of payment)

3. NIPCO has filed an agreement to pay all costs and expenses of this franchise proceeding pursuant to Iowa Code § 478.4 (2001). (petition paragraph VIII)

4. The proposed transmission line is necessary to serve a public use. (petition exhibit D)

5. The proposed transmission line represents a reasonable relationship to an overall plan of transmitting electric energy in the public interest. (petition exhibit D)

6. The proposed transmission line will meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of Iowa Code Chapter 478 (2001). (2/21/01 staff memo; petition)

7. NIPCO no longer requests that it be vested with the right of eminent domain. (petition)

8. The proposed transmission line follows division lines of land (section lines, quarter section lines, etc.) consistent with Iowa Code § 478.18 (2001).
(petition, 2/21/2001 staff memo)

CONCLUSIONS OF LAW

1. The Utilities Board has jurisdiction of the parties and subject matter pursuant to Iowa Code Chapter 478 (2001).

2. The Utilities Board has authority pursuant to Iowa Code Chapter 478 (2001) to grant franchises for the construction, erection, maintenance, and operation of certain electric transmission lines outside cities in the state for the transmission, distribution, or sale of electric current within the state. Iowa Code § 478.1 (2001).

3. NIPCO has met the requirements of Iowa Code Chapter 478 (2001) and 199 IAC Chapter 11, and a franchise should be issued to NIPCO for the transmission line described in the petition.

IT IS THEREFORE ORDERED:

1. The petition is hereby granted. If this proposed order becomes the final order of the Board, a franchise will be issued to Northwest Iowa Power Cooperative to construct, erect, operate, and maintain an electric transmission line as specifically described in the amended petition.

2. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to Iowa Code Chapter 478 (2001), and may at any time during the period of the franchise make such further orders as may be necessary.

3. This proposed order will become the final order of the Utilities Board unless appealed to the Board within fifteen days of its issuance. 199 IAC 7.8(2).

IOWA UTILITIES BOARD

/s/ Amy L. Christensen

Amy L. Christensen

Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper

Acting Executive Secretary

Dated at Des Moines, Iowa, this 17th day of July, 2001.